UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 October 2007 and 31 October 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) <u>15</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14 and 16-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07/10/01 and 01/11/02</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to communication filed on 10/23/07 and

10/31/07.

2.   Claim 15 has been cancelled by the Applicant. Claims 1-14 and 16-21 are

presented for examination.

3.   Amendments to claims 14 and 21 have been entered and considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1-3, 5, 8-10, 12-14, 16, 17, 20, and 21 are rejected under 102(a) as being

anticipated by the LexisNexis website printouts (see attached pages) (hereinafter

Lexis).

In reference to claim 1, the Lexis teaches a method for use in an information

processing system for generating a recommendation at a processing device, the

method comprising: pre-defining one or more user-selectable limiting factors in a

recommender system that limit optimal processing characteristics (i.e. per page 8 of the

Applicant's specification, optimal or near optimal output is based on the user input of

ASAP versus take your time factors, and per Lexis, optimal *processing* can be achieved

by selecting *specific* databases) of a recommendation-generating process implemented

in the recommender system (i.e. giving the user the option to select the following

Jurisdictions *such as Federal Legal U.S., Federal and State case law, state court cases,*

MO Supreme Court and Court of Appeals Cases, MT Supreme Court Cases etc. (i.e.

different databases can be searched) (pages 15 *and pages 1-3 of the newly scanned*

pages included with this OA); receiving an input in the recommender system (i.e.

receiving a citation, party names, keywords) (pages 5, 6, 9, 12-15, 22, and 23);

processing the input in the recommender system by the recommendation generating

process (i.e. input has to be processed with a recommendation generating process to

provide the results) in accordance with the one or more pre-defined, user-selectable

limiting factors (i.e. applying the factors to the search input) (pages 7, 17, and 22); and

generating an output recommendation based at least in part on the processed input (i.e.

presenting the user with the results) (pages 7, 8, 17, and 22), the output

recommendation being generated in accordance with an optimal processing as limited

by the pre-defined one or more user-selectable limiting factors (i.e. the user selected

limiting factors are used to produce optimally processed results where the user is given

the option to select the following Jurisdictions *such as Federal Legal U.S., Federal and*

State case law, state court cases, MO Supreme Court and Court of Appeals Cases, MT

Supreme Court Cases etc. (i.e. different databases can be searched) (pages 15 *and*

pages 1-3 of the newly scanned pages included with this OA).

5.   In reference to claims 2, 13, and 16, Lexis teaches the method further including

generating a ripeness indicator associated with the output recommendation, the

ripeness indicator being indicative of the one or more user-selectable limiting factors

(pages 3, 4, and 21-23).

6.   In reference to claim 3, Lexis teaches the method wherein the ripeness indicator comprises a visual indicator having at least a first state corresponding to a first color and a second state corresponding to a second color (pages 3, 4, and 21-23).

7.   In reference to claim 5, Lexis teaches the method wherein at least one of the user-selectable limiting factors is selectable via a user interface of the processing device (pages 2-5, 9, 11-15, 22, and 23).

8.   In reference to claims 8 and 20, Lexis teaches the method wherein at least one of the user-selectable limiting factors comprises a specified limit on a quality measure associated with the output recommendation (i.e. all positive treatment and all negative treatment) (pages 4 and 12).

9.   In reference to claim 9, Lexis teaches the method wherein at least one of the user-selectable limiting factors is selectable by the user as one of the plurality of points along a scale from a low level of the limiting factor to a high level of the limiting factor (i.e. one jurisdiction to all jurisdictions) (pages 12-14).

10.   In reference to claim 10, Lexis teaches the method wherein the processing device is configured for presentation of the output recommendation in a visually perceptible manner on a display of the device (pages 1-17 and 21-23).

11.   In reference to claim 12, Lexis teaches the method wherein the processing device comprises at least one of a desktop or portable personal computer (i.e. the Lexis site is accessed and utilized by using a computer) (pages 1-23), a personal digital assistant, wireless telephone and a set top box.

12.   In reference to claim 14, Lexis teaches an apparatus for use in generating a

recommendation in a processing device information processing system, the apparatus

comprising: memory for storing profile associated with the device (i.e. it is inherent that

there is a memory for storing the profile, since the user is being asked to login using a

login id which the user had to create previously during registration and which is currently

stored in the system along with information such as student access versus professor

access and e-mail information) (page 1); and a processor coupled to the memory, the

processor being operative to process an input and one or more limiting factors in an

implementation of a recommender system (pages 5, 6, 9, 12-15, 22, and 23), the one or

more limiting factors being pre-defined and selectable by user of the device prior to the

processor processing the input (pages 7, 9, 12-15, 17, and 22), the one or more limiting

factors defining one or more processing characteristics relative to an optimal processing

characteristic (i.e. per page 8 of the Applicant's specification, optimal or near optimal

output is based on the user input of ASAP versus take your time factors, and per Lexis,

optimal *processing* can be achieved by selecting *specific* databases) of a

recommendation generating process implemented in the recommender system, and to

generate the recommendation based at least in part on the input the stored profile

associated with the device (i.e. inherent because Lexis limits certain kinds of access to

features for students that it allows Professors to access based on who logs into Lexis)

(page 1), the processing characteristic of the recommendation generating process being

configured by the recommender system in accordance with the one or more limiting

factors (pages 7, 8, 17, and 22) that limit the *operating of the* recommendation-

generating process relative to the optimal processing characteristic (i.e. in Lexis,

selecting the processing characteristic of a given jurisdiction on page 23 *and pages 1-3*

of the newly scanned pages attached with the OA, limits the generation of the

recommendation to be from the database associated with that specific jurisdiction, *since*

only those selected databases are operationally searched and billed to the user) (page

23 *and pages 1-3 of the newly scanned pages attached with the OA*).

13.   In reference to claim 17, Lexis teaches a method for use in an information

processing system for generating a recommendation at a processing device, the

method comprising: receiving an input in a recommender system from a source

separate from the processing device (i.e. from a user, a keyboard, or a mouse) (page

6), the recommender system operating on a recommendation-generating process

(pages 7, 17, and 22); processing the input in the recommender system in accordance

with one or more pre-defined, user-selectable factors that limit characteristics of the

recommendation-generating process (page *15 and pages 1-3 of the newly scanned*

pages attached with this OA); generating an output recommendation based on the

processed input (pages 7, 8, 17, and 22); and generating a ripeness indicator

associated with the operation of the recommendation-generating process (i.e. per the

Applicant specification on page 11 and Figure 7, the user would like to know how ripe is

the recommendation as indicated by the ripeness indicator, and so the ripeness

indicator indicates the ripeness of the recommendation result) as limited by the one or

more pre-defined, user- selectable limiting factors (pages 3, 4, and 21-23).

14.   In reference to claim 21, Lexis teaches the method wherein the user-selectable

limiting factors are predefined independent of receiving the input in the recommender

system (i.e. sources such as state court cases, Federal and State case law, MO

Supreme Court and Court of Appeals Cases, are predefined) (page 1 and 2 of the newly

scanned pages) and further relate to resources used by the processing device to

process the input in the recommender system (i.e. based on which database(s) is

selected, such as state court cases, Federal and State case law, MO Supreme Court

and Court of Appeals Cases, the processing device, processes the input in the

recommender system by searching that selected database only) (pages 1-3 of the

newly scanned pages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

15.   Claims 6, 7, 18, and 19 are rejected under U.S.C. 103(a) as being unpatentable

over Lexis in view of Shaw ("Inventing the 'Paper' of Figure...Newspapers and the

Future: First of Two Part. Next: Fax, phones, fear and the future." Los Angeles Times.

June 2, 1991. Pages 1-8 hereinafter Shaw).

In reference to claims 6 and 18, Lexis does not does not teach the method

wherein the limiting factor comprises a specified limit on an amount of time that may be

spent by the recommender system in generating the output recommendation. Shaw teaches the method wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation (Page 2 lines 33-34 and Page 3 lines 1-3). It would have been obvious to modify Lexis wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation to enable users to receive smaller or greater number of result listings which best match the user criteria according to how much time the user has available to view the search results.

16.   In reference to claims 7 and 19, Lexis does not does not teach the method wherein the limiting factor comprises a specified limit on an amount of power consumption utilized (this is also considered to be equal to the amount of time that may be spent by the recommender system in generating the output recommendation, since in effect if you are running out of power, you are running out of the amount of time you have available to access the device prior to shut down as a result of depleting the power supply) in conjunction with generating the output recommendation. Shaw teaches the method wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation (Page 2 lines 33-34 and Page 3 lines 1-3). It would have been obvious to modify Lexis wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation to enable users to receive smaller or greater number of result listings which best match the user

criteria according to how much time the user has available to view the search results.

17.   Claims 4 and 11 are rejected under U.S.C. 103(a) as being unpatentable over

Lexis in view of Official Notice.

In reference to claims 4 and 11, Lexis teaches the method comprising of a visual

ripeness indicator (pages 3, 4, and 21-23). Lexis does not teach the ripeness indicator

to be audible and presenting the information using a speaker associated with the

device. In reference to claim 4, Official Notice is taken that it is old and well known to

use an audible indicator to indicate the existence and degree of a match in the case of

an announcement of winning lottery numbers or bingo numbers for example and to play

this information using computer speakers. Therefore, it would have been obvious to a

person of ordinary skill in the art at the time of the applicant's invention to include the

use of an audio indicator in the ripeness indicator and computer speakers to enable

users to audibly determine the degree of match of the results in relation to a given

criteria, since some people may want to receive this information by the use of audio and

others may prefer to view the information graphically.

Response to Arguments

18.   After careful review of Applicant's remarks/arguments filed on 10/23/07 and

10/31/07, the Applicant's arguments with respect to claims 1-14 and 16-20 are

presented for examination and have been fully considered but are moot in view of the

new ground(s) of rejection. Amendments to the claims have both been entered and

considered.

19.   Applicant's arguments in reference to the 35 U.S.C. 112 first and second

paragraph rejections for claim 17 have successfully overcome these rejections, and they have therefore been removed accordingly.

20.   In reference to claims 1-13, Applicant argues that Lexis does not teach a recommender system that limits optimal processing characteristics in accordance with one or more user-selectable limiting factors. While the Examiner agrees that some of the factors disclosed in Lexis such as KWIC search etc are limiting the results after the results have already been processed, other factors in Lexis regarding Jurisdiction selections, are done prior to conducting a search in a database and may be done later as well. For example, newly scanned and included pages 1-3 with this OA, highlight that a user can select sources such as state court cases, Federal and State case law, MO Supreme Court and Court of Appeals Cases, and only the selected source databases will be searched for the user provided query. And, these are therefore clearly optimal processing characteristics of a recommendation generating process that pertain to the operation of the device to search specific databases to produce the results and not to simply the presentation of the results in a particular manner.

See Figures 1-3 below that have also been included as attachments with this OA.
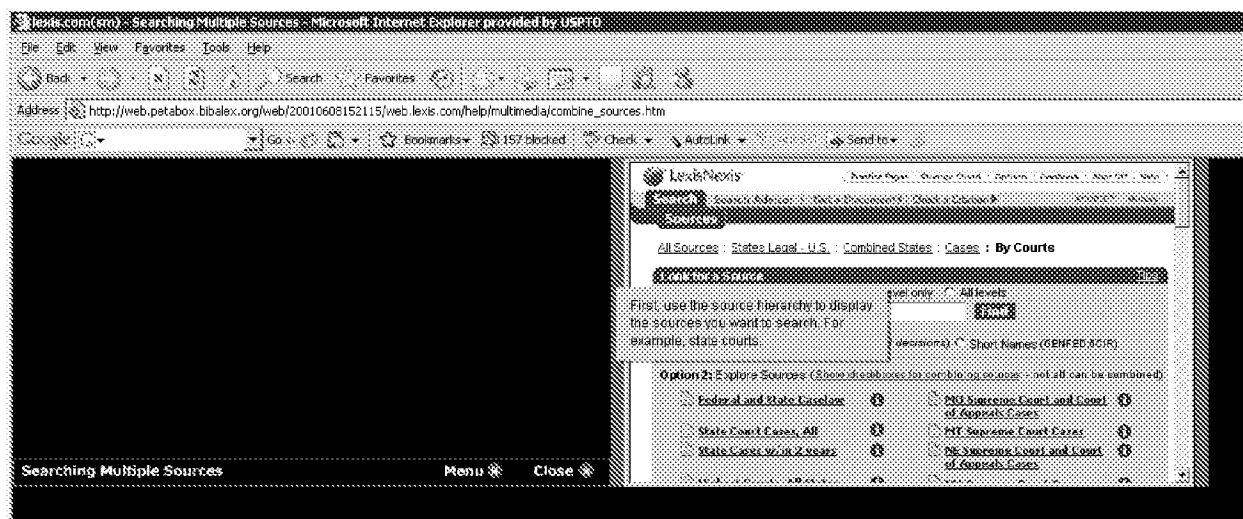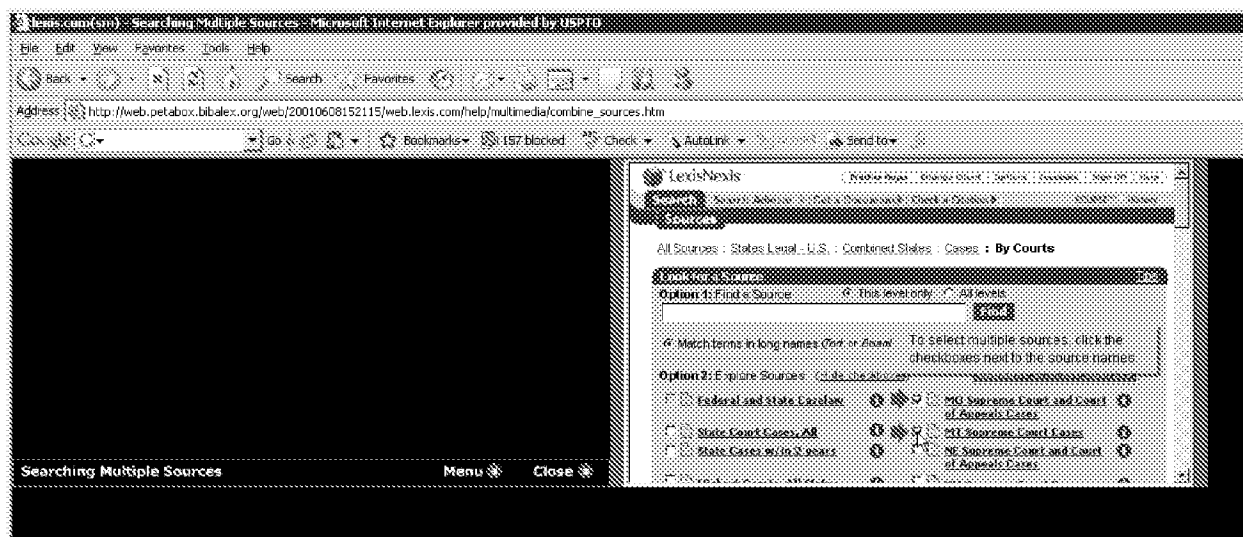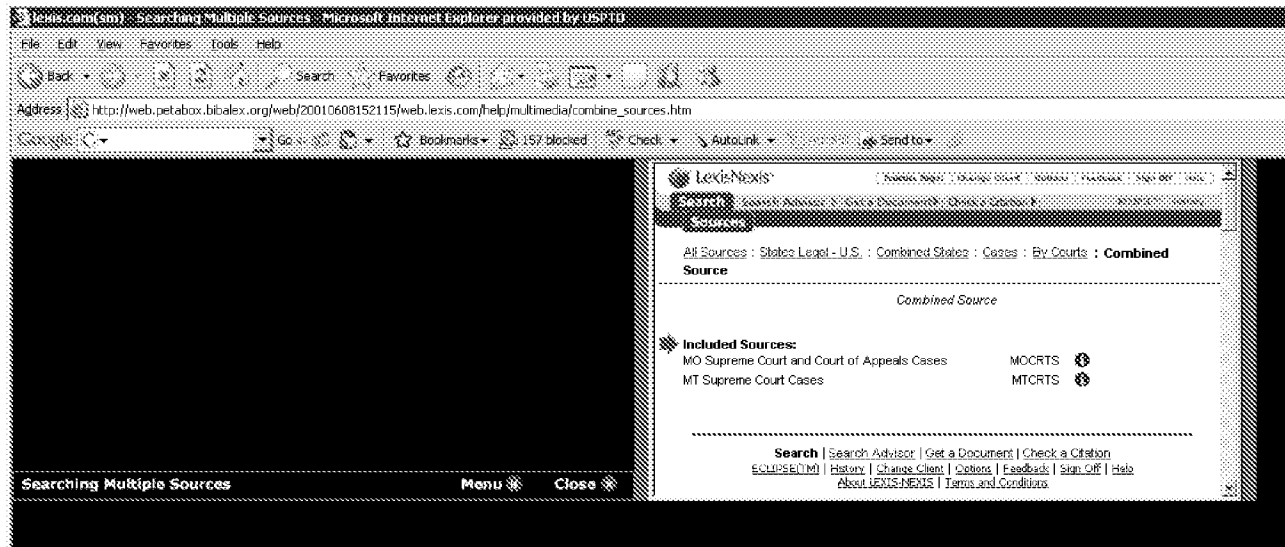
Figure 1

Figure 2

Figure 3

21.   In reference to claims 1-13, Applicant further argues that one skilled in the art

would not want to limit the processing of a LexisNexis search for a given input relative to

an optimal processing characteristic, because then the quality of the generated

recommendation would be suspect. The Examiner respectfully disagrees with the

Applicant, since one would want to limit which databases to search in LexisNexis to

reduce the cost associated with searching unnecessary databases. For example, a

user looking for only binding authority will not search the databases associated with only

persuasive authority, and the user's results would not be suspect, and in fact would be

the accurate results the user is looking for.

22.   In reference to claims 1-13, Applicant further argues that the search term itself

does not define or limit the operation of the recommender. The Examiner agrees with

the Applicant on this point, but in Lexis as well, the search terms are not defining the

operation of the recommender, but rather the user selection of the databases to be

searched is defining the operation of the recommender.

23.   The Applicant's clarification of what it means by ASAP and factors such as time

and power as being important to portable devices was useful, but none of these

limitations have been actually claimed in the claims, and therefore the Applicant is

arguing what he has not claimed.

24.   Applicants additional remarks are addressed to new limitations in the claims and

have been addressed in the rejection necessitated by the amendments.

Conclusion

25.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Point of Contact

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Namrata (Pinky) Boveja whose telephone number is

571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8105.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

N.B.
March 28th, 2008

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622